

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner  
 US Department of Commerce  
 United States Patent and Trademark  
 Office, PCT  
 2011 South Clark Place Room  
 CP2/5C24  
 Arlington, VA 22202  
 ETATS-UNIS D'AMERIQUE  
 in its capacity as elected Office

<b>Date of mailing (day/month/year)</b> 28 March 2001 (28.03.01)	
<b>International application No.</b> PCT/US00/18950	<b>Applicant's or agent's file reference</b> RCA89642
<b>International filing date (day/month/year)</b> 12 July 2000 (12.07.00)	<b>Priority date (day/month/year)</b> 14 July 1999 (14.07.99)
<b>Applicant</b> DINWIDDIE, Aaron, Hal et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:  
 09 February 2001 (09.02.01)

☐ in a notice effecting later election filed with the International Bureau on:  
 \_\_\_\_\_

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<b>The International Bureau of WIPO</b> 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	<b>Authorized officer</b> S. Mafla Telephone No.: (41-22) 338.83.38
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# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>RCA89642</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 00/ 18950</b>	International filing date (day/month/year) <b>12/07/2000</b>	(Earliest) Priority Date (day/month/year) <b>14/07/1999</b>
Applicant  <b>THOMSON LICENSING S.A. et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

**4. With regard to the title,**



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

**5. With regard to the abstract,**



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

**6. The figure of the drawings to be published with the abstract is Figure No.**



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.

1



None of the figures.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/18950

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 H04N7/16

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	WO 99 44361 A (LEUNG WING P ; YUEN HENRY C (US); GEMSTAR DEV CORP (US)) 2 September 1999 (1999-09-02)	1
P, Y		5
A	page 1, line 17 - line 20 page 2, line 15 - line 17 page 5, line 35 - page 6, line 23 page 9, line 25 - line 29 page 10, line 8 - line 14 page 11, line 15 - line 17 page 12, line 31 - line 34 page 13, line 15 - line 17 page 14, line 8 - line 11 page 16, line 16 - line 18 page 31, line 18 - line 20 page 32, line 29 - page 33, line 31 page 36, line 1 - line 32 --- -/-	2, 3, 6-8

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

## \* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance  
 "E" earlier document but published on or after the international filing date  
 "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)  
 "O" document referring to an oral disclosure, use, exhibition or other means  
 "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention  
 "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone  
 "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.  
 "&" document member of the same patent family

Date of the actual completion of the international search

10 October 2000

Date of mailing of the international search report

19/10/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
 NL - 2280 HV Rijswijk  
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
 Fax: (+31-70) 340-3016

Authorized officer

Tito Martins, J

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/18950

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 98 43427 A (BASTIEN JEAN PAUL ;DECLERCK CHRISTOPHE (FR); CANAL PLUS SA (FR); B) 1 October 1998 (1998-10-01)	5
A	abstract page 25, line 29 -page 26, line 1 figure 8 ---	1
A	GB 2 290 407 A (CORLESS ROBERT JOHN) 20 December 1995 (1995-12-20) page 3, line 13 - line 25 page 4, line 8 - line 10 page 5, line 27 - line 31 page 6, line 8 - line 12 page 8, line 8 - line 10 ---	1,5
A	US 5 886 730 A (TSOSIE HAROLD) 23 March 1999 (1999-03-23) column 1, line 53 - line 65 column 3, line 53 - line 57 column 4, line 23 - line 27 ---	1,5
A	PATENT ABSTRACTS OF JAPAN vol. 012, no. 080 (E-590), 12 March 1988 (1988-03-12) & JP 62 217787 A (FUJITSU LTD), 25 September 1987 (1987-09-25) abstract -----	1,5

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/18950

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9944361 ✓	A	02-09-1999	AU 3064399 A	15-09-1999
WO 9843427 ✓	A	01-10-1998	AU 2771097 A	20-10-1998
			EP 0968608 A	05-01-2000
			NO 994541 A	22-11-1999
			PL 335584 A	08-05-2000
			AU 2770697 A	20-10-1998
			AU 7038198 A	20-10-1998
			BR 9714603 A	16-05-2000
			BR 9808283 A	16-05-2000
			BR 9808288 A	16-05-2000
			CN 1254472 A	24-05-2000
			CN 1260056 A	12-07-2000
			CN 1254477 A	24-05-2000
			CN 1254478 A	24-05-2000
			CN 1254469 A	24-05-2000
			CN 1254423 A	24-05-2000
			CN 1262754 A	09-08-2000
			CN 1254473 A	24-05-2000
			CN 1254422 A	24-05-2000
			CN 1254475 A	24-05-2000
			CN 1254476 A	24-05-2000
			CN 1254474 A	24-05-2000
			CN 1255266 T	31-05-2000
			CN 1255212 T	31-05-2000
			CN 1255268 T	31-05-2000
			CN 1257630 T	21-06-2000
			WO 9843425 A	01-10-1998
			WO 9843426 A	01-10-1998
			WO 9843162 A	01-10-1998
			WO 9843431 A	01-10-1998
			WO 9843248 A	01-10-1998
			WO 9843165 A	01-10-1998
			WO 9843415 A	01-10-1998
			WO 9843172 A	01-10-1998
			WO 9843433 A	01-10-1998
			WO 9843437 A	01-10-1998
			WO 9843167 A	01-10-1998
			WO 9843428 A	01-10-1998
			WO 9843421 A	01-10-1998
			EP 0872798 A	21-10-1998
			EP 0866611 A	23-09-1998
			EP 0866616 A	23-09-1998
			EP 0866613 A	23-09-1998
			EP 0968610 A	05-01-2000
			EP 0968609 A	05-01-2000
			EP 0968607 A	05-01-2000
			EP 0974229 A	26-01-2000
			EP 0974230 A	26-01-2000
			EP 0968468 A	05-01-2000
			EP 0968465 A	05-01-2000
GB 2290407 ✓	A	20-12-1995	NONE	
US 5886730 ✓	A	23-03-1999	NONE	
JP 62217787 ✓	A	25-09-1987	JP 2028016 C	19-03-1996
			JP 7061149 B	28-06-1995

From the INTERNATIONAL SEARCHING AUTHORITY

**PCT**NOTIFICATION OF RECEIPT  
OF SEARCH COPY

(PCT Rule 25.1)

To:

THOMSON MULTIMEDIA LICENSING INC.  
Attn. TRIPOLI, Joseph S.  
P.O. Box 5312  
2 Independence Way  
Princeton, New Jersey 08540  
UNITED STATES OF AMERICA

Date of mailing  
(day/month/year)

21/08/2000

Applicant's or agent's file reference

RCA89642

## IMPORTANT NOTIFICATION

International application No.

PCT/US 00/ 18950

International filing date(day/month/year)

12/07/2000

Priority date (day/month/year)

14/07/1999

Applicant

THOMSON LICENSING S.A. et al.

## 1. Where the International Searching Authority and the Receiving Office are not the same office:

The applicant is hereby notified that the search copy of the international application was received by this International Searching Authority on the date indicated below.

## Where the International Searching Authority and the Receiving Office are the same office:

The applicant is hereby notified that the search copy of the international application was received on the date indicated below.

02/08/2000

(date of receipt).

2. ☐ The search copy was accompanied by a nucleotide and/or amino acid sequence listing in computer readable form.

## 3. Time limit for establishment of International Search Report

The applicant is informed that the time limit for establishing the International Search Report is 3 months from the date of receipt indicated above or 9 months from the priority date, whichever time limit expires later

4. A copy of this notification has been sent to the International Bureau and, where the first sentence of paragraph 1 applies, to the Receiving Office.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

ISA/EP

EXPRESS EL902 321754US

2 2001

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

SHONEMAN, David T.  
THOMSON MULTIMEDIA LICENSING INC.  
P.O. Box 5312  
2 Independence Way  
Princeton, New Jersey 08540  
ETATS-UNIS D'AMERIQUE

*DT*

PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day/month/year) 27.07.2001

Applicant's or agent's file reference  
RCA89642

## IMPORTANT NOTIFICATION

International application No.  
PCT/US00/18950

International filing date (day/month/year)  
12/07/2000

Priority date (day/month/year)  
14/07/1999

Applicant  
THOMSON LICENSING S.A. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

## 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Event	OA	Final Chy Sel. to David by
Deadline	14 NOV 2001	
Entered	DPF	8/8/01

Name and mailing address of the IPEA/



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized officer

Schalinatus, D

Tel. +49 89 2399-8242



REC'D 31 JUL 2001

WIPO

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RCA89642	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/18950	International filing date (day/month/year) 12/07/2000	Priority date (day/month/year) 14/07/1999
International Patent Classification (IPC) or national classification and IPC H04N7/16		
Applicant THOMSON LICENSING S.A. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☒ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand  09/02/2001	Date of completion of this report  27.07.2001
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Berst, C  Telephone No. +49 89 2399 8028 



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US00/18950

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, pages:**

1-7 as originally filed

**Claims, No.:**

1-9 as originally filed

**Drawings, sheets:**

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US00/18950

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**II. Priority**

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:

☐ copy of the earlier application whose priority has been claimed.

☐ translation of the earlier application whose priority has been claimed.

2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid.

Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:  
**see separate sheet**

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims 1-9
	No: Claims
Inventive step (IS)	Yes: Claims 1-9
	No: Claims
Industrial applicability (IA)	Yes: Claims 1-9
	No: Claims

2. Citations and explanations  
**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:  
**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US00/18950

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**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US00/18950

II). Priority:

The priority document US patent application number 60/143,923 has been examined.

The claimed priority has been found to be valid.

However, when entering a regional phase, the document D1: WO - A - 99 44 361, which was published prior to the international filing date of the present demand but later than its priority date, and the content of which appears to be particularly relevant for assessing novelty and inventive step of the claims on file, may be considered.

V). Reasoned statement according to Article 35(2) PCT:

The following documents mentioned in the international search report are referred to in this preliminary report:

- (D1) : WO - A - 99 44 361 (document published later than the claimed priority date, see section II herein above)
- (D2) : WO - A - 98 43 427 is considered to be the closest prior art and discloses a reception system comprising a receiver with a remote control (e.g. by infra red) able to transmit to the receiver a plurality of PIN numbers or passwords, which can be encoded, in order to ensure the security of the transmission, on different increasing security levels. The receiver comprises both means for accommodating a smart card to enable reception of programs and means for accommodating a credit/bank card for payment transactions, e.g. to load an account on the smart card. PIN numbers and passwords are either controlled within the smart card or within the receiver by interacting with the smart card: the code is compared in the receiver with a stored code representative of an inserted smart card (see page 26, lines 25 - 27).

The other documents cited in the international search report disclose background art on the use of passwords for television program decoders and for devices allowing restricted access to television programs.

In the present demand, in order to obtain a program access system able to easily and in a secure manner allow access to multiple sources of program, an access

card/removable memory is used which **directly stores** a password ("second password" in apparatus claim 1 and "first password" in method claim 5) associated with a given source of program. When the card/memory is not in contact with the program access/receiving system, another password ("first password" in apparatus claim 1 and "second password" in method claim 5) is used to access programs from another source of programs. However, when the card/memory is in contact with the access/receiving system the password of the card/memory is used/processed by the system, by e.g. replacing the other password in a temporary memory.

Independent claims: claim 1 describes a program accessing apparatus and claim 5 a corresponding method.

For these reasons, the independent claims satisfy the requirements of the PCT with respect to Articles 33 (1 - 4) PCT.

Claims 2 - 4 & 6 - 9 are respectively dependent on these claims and, for this reason, also fulfil these requirements of the PCT.

VII). Certain defects:

- a) In order to meet the requirements of Rule 5.1(a)(ii) PCT, the documents D1 and D2 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- b) The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case appears to be appropriate, with those features known in combination from the prior art (see document D2) being placed in a preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in a characterising part (Rule 6.3(b)(ii) PCT).
- c) Reference signs in parentheses should have been inserted in **all** the claims to increase their intelligibility, Rule 6.2(b) PCT. This applies to both the preamble and characterising portion.

VIII). Certain observations - Clarity:

It is clear from the description that the following features are essential to the definition of the invention:

- the first password is associated with a first source of programming and the second password is associated with a second source of programming;
- the two passwords are stored in specific manners, a first one of the passwords being stored temporarily and the other one being stored in the access-card/removable-memory and replacing the first one in the temporary storage.

Since independent claim 5 does not contain these features it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

Translation

PATENT COOPERATION TREATY

PCT

10/030,151

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 258820MLG1FD	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR00/02173	International filing date (day/month/year) 28 July 2000 (28.07.00)	Priority date (day/month/year) 29 July 1999 (29.07.99)
International Patent Classification (IPC) or national classification and IPC C12N 5/06		<b>RECEIVED</b> <b>MAY 10 2002</b>
Applicant CENTRE HOSPITALIER UNIVERSITAIRE		Technology Center 2600

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
<input checked="" type="checkbox"/>	This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of <u>4</u> sheets.	
3. This report contains indications relating to the following items:	
I <input checked="" type="checkbox"/>	Basis of the report
II <input type="checkbox"/>	Priority
III <input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV <input type="checkbox"/>	Lack of unity of invention
V <input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI <input type="checkbox"/>	Certain documents cited
VII <input type="checkbox"/>	Certain defects in the international application
VIII <input type="checkbox"/>	Certain observations on the international application

RECEIVED  
MAY -9 2002  
TECHNOLOGY CENTER 2600

Date of submission of the demand 27 February 2001 (27.02.01)	Date of completion of this report 30 October 2001 (30.10.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR00/02173

## I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

- ☐ the international application as originally filed.
- ☒ the description, pages 1, 4-28, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages 2, 3, filed with the letter of 28 September 2001 (28.09.2001),  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. 1-8, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. 9-11, filed with the letter of 28 September 2001 (28.09.2001),  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings, sheets/fig 1/6-6/6, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/FR 00/02173

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims	10, 11: no opinion	NO

### 2. Citations and explanations

#### 1. Documents cited

Reference is made to the following documents:

D1: TARTE K ET AL: "Generation of virtually pure and potentially proliferating dendritic cells from non-cd34 apheresis cells from patients with multiple myeloma." BLOOD, (1997) 90, pages 3482-95

D2: WO 98 53048 A (THE GOVERNMENT OF THE UNITED STATES OF AMERICA) 26 November 1998 (1998-11-26)

D3: TARTE K ET AL: "Clinical-grade functional dendritic cells from patients with multiple myeloma are not infected with Kaposi's sarcoma-associated herpesvirus." BLOOD, (15 MAR 1998) 91, pages 1852-7

D4: FRESHNEY R: "Culture of animal cells" 1987, ALAN R. LISS, NY, US, p. 154920

2.1 Claims 1 to 9 relate to a method for producing dendritic cells in a serum-free medium complemented

with human albumin in the presence of GM-CSF, an interleukin and TNF- $\alpha$  and the cells produced in this way.

D1 and D3 both describe methods for producing dendritic cells using the same conditions and the same culture medium (X-VIVO) in the presence of 100ng/ml of GM-CSF, 25ng/ml of IL-4 or IL-13 and 20ng/ml of TNF- $\alpha$  (D1: page 3491, last paragraph to page 3492, first paragraph and Figures 12 and 13; D3: page 1853, left-hand column and page 1854, Figure 1). The only technical feature that distinguishes the medium of D1 and D3 from the medium claimed is the absence of human albumin.

However, human albumin is not essential for the production of dendritic cells. The addition of albumin is likewise not associated with an unexpected technical effect. Indeed, Table 1 of the description demonstrates that the use of XV-HA serum does not lead to a higher yield or greater viability of the dendritic cells in comparison with other media.

It follows that the culture medium claimed is merely an alternative to the methods already known in the prior art and does not have any specific technical advantage.

As a result, the subject matter of Claims 1 to 9 lacks inventive step (PCT Article 33(1) and 33(3)).

**2.2** Claims 10 and 11 relate to therapeutic treatment methods using said dendritic cells.

The concept of using dendritic cells for the treatment of immune diseases is not novel and has already been suggested and described in a plurality of documents:

D1 describes the preparation of dendritic cells in a serum-free medium and suggests that the resulting dendritic cells could be used as antigen-presenting cells for specific peptides in the treatment of cancer in order to generate an anti-tumour response in treated patients (page 3494).

D2 describes the *ex vivo* or *in vivo* use of dendritic cells to generate an immune response against a tumour or a virus in a patient (page 34, line 11 to page 37, line 26 and pages 53-54, Example 3).

The only technical feature that distinguishes the application from the prior art again appears to be the use of human albumin. It follows that, for the reasons set out above, the subject matter of Claims 11 to 13 is likewise not inventive (PCT Article 33(1) and 33(3)).

- 2.3** The present Authority considers that the subject matter of Claims 10 and 11 is covered by the provisions of PCT Rule 67.1(iv). For this reason, no opinion will be given on the question of whether or not the subject matter of these claims is industrially applicable (PCT Article 34(4)(a)(i)).